

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TEMUJIN KENSU,

Plaintiff,

v.

Civil Case No. 16-13505
Honorable Linda V. Parker

WILLIAM BORGERDING, M.D., et al.,

Defendants.

_____ /

JURY VERDICT FORM

(A) FIRST AMENDMENT RETALIATION CLAIM

(1) LIABILITY

Do you find by a preponderance of the evidence that the following Defendant retaliated against Plaintiff in violation of his First Amendment Rights?

Brian Evers:	Yes _____	No <u>✓</u>
Dave Martin:	Yes _____	No <u>✓</u>
Robin Coleman:	Yes _____	No <u>✓</u>
Vicki Lewis:	Yes _____	No <u>✓</u>
Richie Gallatin:	Yes _____	No <u>✓</u>

If you answered "yes" as to any Defendant, then go to (2) to determine a damages award as to that Defendant, only.

If you answered "no" for all of the Defendants, go to (B) Eighth Amendment Claim.

(2) DAMAGES

If you found for Plaintiff, what amount will compensate Plaintiff for the damages that he sustained as a direct result of the actions of the Defendant(s) found liable above?

- a. You may award EITHER Compensatory/Actual Damages OR Nominal Damages, but NOT BOTH.**

Compensatory/Actual Damages:

\$ _____ against Brian Evers
\$ _____ against Dave Martin
\$ _____ against Robin Coleman
\$ _____ against Vicki Lewis
\$ _____ against Richie Gallatin

OR

Nominal Damages (not to exceed \$1):

\$ _____ against Brian Evers
\$ _____ against Dave Martin
\$ _____ against Robin Coleman
\$ _____ against Vicki Lewis
\$ _____ against Richie Gallatin

b. Punitive Damages:

Punitive damages may only be awarded if you determine that a Defendant's conduct was motivated by evil motive or intent, or if it involved reckless or callous indifference to Plaintiff's rights under the United States Constitution.

What amount of punitive damages, if any, is Plaintiff entitled to?

\$ _____ against Brian Evers
\$ _____ against Dave Martin
\$ _____ against Robin Coleman
\$ _____ against Vicki Lewis
\$ _____ against Richie Gallatin

(B) EIGHTH AMENDMENT CONDITIONS OF CONFINEMENT CLAIM

(1) LIABILITY

Do you find by a preponderance of the evidence that the following Defendant violated Plaintiff's Eighth Amendment rights due to the conditions of his confinement?

Brian Evers: Yes _____ No ✓

Dave Martin Yes _____ No ✓

If you answered "yes" as to any Defendant, then go to (2) to determine a damages award as to that Defendant, only.

If you answered "no" for all of the Defendants, go to (C) First Amendment free exercise claim

(2) DAMAGES

If you found for Plaintiff, what amount will compensate Plaintiff for the damages that he sustained as a direct result of the actions of the Defendant(s) found liable above?

a. You may award EITHER Compensatory/Actual Damages OR Nominal Damages, but NOT BOTH.

Compensatory/Actual Damages:

\$ _____ against Brian Evers

\$ _____ against Dave Martin

OR

Nominal Damages (not to exceed \$1):

\$ _____ against Brian Evers

\$ _____ against Dave Martin

b. Punitive Damages:

Punitive damages may only be awarded if you determine that a Defendants' conduct was motivated by evil motive or intent, or if it involved reckless or callous indifference to Plaintiff's rights under the United States Constitution.

What amount of punitive damages, if any, is Plaintiff entitled to?

\$ _____ against Brian Evers

\$ _____ against Dave Martin

(C) FIRST AMENDMENT FREE EXERCISE CLAIM**(1) LIABILITY**

Do you find by a preponderance of the evidence that the following Defendant violated Plaintiff's First Amendment right to exercise his religion?

Brian Evers:	Yes _____	No <u>✓</u>
Dave Martin	Yes _____	No <u>✓</u>
Robin Coleman	Yes _____	No <u>✓</u>
Vicki Lewis	Yes _____	No <u>✓</u>
Richie Gallatin	Yes _____	No <u>✓</u>

If you answered "yes" as to any Defendant, then go to (2) to determine a damages award as to that Defendant, only.

If you answered "no" for all of the Defendants, your deliberations are complete and you may have the Jury Foreperson sign and notify the Court that you are finished.

(2) Damages

If you found for Plaintiff, what amount will compensate Plaintiff for the damages that he sustained as a direct result of Defendants' actions?

a. You may award EITHER Compensatory/Actual Damages OR Nominal Damages, but NOT BOTH.

Compensatory/Actual Damages:

\$ _____ against Brian Evers

\$ _____ against Dave Martin

\$ _____ against Robin Coleman

\$ _____ against Vicki Lewis

\$ _____ against Richie Gallatin

OR

Nominal Damages (not to exceed \$1):

\$ _____ against Brian Evers

\$ _____ against Dave Martin

\$ _____ against Robin Coleman
\$ _____ against Vicki Lewis
\$ _____ against Richie Gallatin

b. Punitive Damages:

Punitive damages may only be awarded if you determine that a Defendants' conduct was motivated by evil motive or intent, or if it involved reckless or callous indifference to Plaintiff's rights under the United States Constitution.

What amount of punitive damages, if any, is Plaintiff entitled to?

\$ _____ against Brian Evers
\$ _____ against Dave Martin
\$ _____ against Robin Coleman
\$ _____ against Vicki Lewis
\$ _____ against Richie Gallatin

Signed,

— s/Jury Foreperson
J In compliance with the Privacy Policy adopted by
the Judicial Conference, the verdict form with
the original signature has been filed under seal.

8/2/23
Date